IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6077 of 2006()

CRMP.3205/2006 of DISTRICT COURT, ALAPPUZHA
CRIME NO.362/2006 OF CHERTHALA POLICE STATION.

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PETITIONER/IST ACCUSED

HARIHARAN.P.K., S/O.KUMARAN,
NELLISSERY, THANNERMUKKOM NORTH,
CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT AND STATE
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1. CIRCLE INSPECTOR OF POLICE,
CHERTHALA.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6077 of 2006

Dated this the 12th October, 2006.

O R D E R

Petitioner is the first accused in Crime No.362/2006 of Cherthala Police Station, for the offence punishable under Sections 120B, 420, 465, 467, 468, 471, 472, 474, 475 and 477 IPC, read with Section 34 IPC. It is alleged that after obtaining a loan of Rs.3,46,000/= from the Mahindra and Mahindra Financial Services, Alappuzha, hypothicating the vehicle, Mahindra Max Pickup van, the petitioner forged the document and produced the same before the local Regional Transport Office, to cancel the hypothication arrangements with the financier. After thus obtaining cancellation, he sold the vehicle to another person, and thereby committed the offence.

2. Counsel appearing for the petitioner, however, submitted that as he has committed default in payment, and, therefore, he contacted one Shyam, an employee of the Finance Company, and also handed over all the documents of the vehicle. It was he who committed the offence. It is further submitted that the petitioner has filed a complaint against the said Shyam as well.

3. After hearing the arguments advanced by both sides, I dispose of the application, directing the petitioner to surrender before the Investigating Officer of Cherthala Police Station, who is investigating the Crime No.362/2006 of that police station, on 19.10.2006, between 9.00 and 10a.m.

4. The investigating officer shall interrogate the petitioner, and thereafter produce him before the competent Magistrate Court, as per the law.

5. The learned Magistrate shall hear both sides, and pass appropriate orders on the bail application that would be filed by the petitioner, on merit.

J.M. JAMES,
JUDGE

nj.